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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,917	08/23/2001	Risto Pekka Antero Nokelainen	B1009/7004/DRW/DPM	2006

23628 7590 07/11/2003

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EXAMINER

PETERSON, KENNETH E

ART UNIT PAPER NUMBER

3724

DATE MAILED: 07/11/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,917

Applicant(s)

NOKELAINEN, RISTO PEKKA
ANTERO

Examiner

Kenneth E Peterson

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 3-10, 12, 13, 16, 18-21, 24-26, 29 and 31-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 11, 14, 15, 17, 22, 23, 27, 28, 30, 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3724

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,11,14,15,17,22,23,27,28,30,35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayamizu et al. '058 in view of Moll '126.

Hayamizu shows a cutter with most of the limitations including a bar code reader (10) and a blade that is controlled to move into and out of cutting engagement (figure 11).

Hayamizu's blade is a continuous edge blade rather than an intermittent perforating blade. Examiner takes Official Notice that the use of perforation blades and non-perforation blades in the same machines is a common feature of many different types of cutting machinery. An example of the use of perforation blades in a Hayamizu-type device is shown by Moll. Moll shows that it is well known to control the actuation of rotary perforating blades, and furthermore it is well known to employ perforating blades in lieu of cutters, in order to keep all of the product together for later disassembling. It would have been obvious to one of ordinary skill in the art to have modified Hayamizu by making his blades be perforating blades, as taught by Moll, in order to keep all of the products together for later disassembling.

3. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that there is no proper motivation for replacing Hayamizu's rotary blade with Moll's rotary perforation blade. However, in the art of cutting it is common for cutting machines to have replaceable blades, with one blade being a perforator and the other being a non-perforator, depending on whether or not one wants to have separated products or products that can be separated later. If Applicant challenges this assertion, then Applicant can go through class 83, subclasses 678 and 695 to find additional examples of this, or Examiner can provide additional references showing this feature. The reasons perforation is done instead of thru-cutting are manifold. For one reason, thru-cutting produces scraps of various sizes that can become sidetracked or crumpled as they wind there way thru the machine, thus jamming it. Another reason is that when a large number of sheets are processed, the product handlers prefer that all of the products be of the same size for easier handling, as opposed to various-sized products that are difficult to stack. An example of this can be seen in your child's school photos, which will often include an unperforated 8" X 10" photo as well as a perforated 8" X 10" sheet containing sixteen 2" X 2.5" photos.

Applicant argues that Hayamizu does not "successively receive a plurality of sheets". This assertion is incorrect. Hayamizu's sheets may be long and come in roll form, but they are sheets nonetheless, and ultimately, Hayamizu's machine will receive a plurality of them. Even if Applicant amended the claims to positively recite the sheet size, this is an obvious variation as shown by Moll and many other references.


4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 703-308-2186. The examiner can normally be reached on Monday thru Thursday between 7am and 4pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

kp
July 9, 2003


KENNETH E. PETERSON
PRIMARY EXAMINER